

UNITED STATES DISTRICT COURT

for the

District of

Division

United States District Court
Southern District of Texas
FILED

OCT 14 2020

David J. Bradley, Clerk of Court

Case No.

(to be filled in by the Clerk's Office)

Jeremy James Joseph

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Harris County

- Judge Hilary Singer (Court 248);
- Matt Horak, Esquire, Houston Police Chief Art Acevedo
officers A. Cole & Ajuma of Harris County Jail.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Jeremy James Joseph

All other names by which

you have been known:

ID Number

SPN: 03060619 of Harris County / SSN last 4: 1270 DOB: 09/29/1982

Current Institution

Harris County Jail

Address

1200 Baker Street, cell: 6N2B
Houston TX 77002

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Judge Hilary Meyer

Job or Title (*if known*)

Judge of Harris County

Shield Number

Employer

Harris County / The People's Taxes (dollar)

Address

201 Caroline Street

Houston TX 77071

City

State

Zip Code

☐ Individual capacity☒ Official capacity

Defendant No. 2

Name

Matt Horak

Job or Title (*if known*)

Esquire

Shield Number

Employer

Self / "The people", Judge Meyer, Texare Tax Dollars

Address

Woodlands TX 7

City

State

Zip Code

☐ Individual capacity☒ Official capacity

Defendant No. 3

Name

Chief Art Acavedo

Job or Title (if known)

Police Chief (HPD)

Shield Number

Employer

Houston Police Department; "The people"

Address

201 Caroline St, Suite 420

Houston
CityTX
State77002
Zip Code☐ Individual capacity☒ Official capacity

Defendant No. 4

Name

Officers - Njumu & A. Cole

Job or Title (if known)

Floor Monitors / Low Rank Foot Workers

Shield Number

Employer

Harris County's Sheriff's Office, My Tax Dollars

Address

701 N San Jacinto St, 6th Floor

Houston
CityTX
State77002
Zip Code☐ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

EQUAL PROTECTION clause, Civil Rights Act

- Discrimination against low-income / no asset defendants (largely Latinos, Blacks, low income whites)
- illegal detainment, negligence & incompetence of duties funded by Tax dollars, and discrimination against indigent defendants / inmates

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Also discriminate against those who are alone without family & friends to help, bail or comfort them. Inmates can't self-bail (even though theoretically possible)

Civil rights Act Equal protection clause - As I am indigent in Jail, and my counsel is unethical, my tax dollars are funding this violation. Also, if cases with similar circumstances have been thrown out I am being discriminated against.

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Judge Minge - Acting Judge for Harris County Judge 248

Matt Horrah - Esquire for indigent inmates (incompetent)

Chief Art Acaredo - Houston Police Department - Houston police chief
officers A. Cole and Mujumu - floor workers for Harris County Jail

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☒ Other (explain)

Additionally:
I can't access my money in jail and I'm alone without friends & family which discriminates against individuals w/o spouses, kids, brothers & sister, etc - which many LGBTQ people have as an issue.
Disabled (Physical & Mental) plus battling a chronic infection
permitted for a safe tank LGBTQ (tank)

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

① Judge Hilary Minge - I've flagged I need pretrial release and unable to due to being alone. Also she is potentially guilty of assigning cases due to pay to play. Judges receive election donations from lawyers and then assign

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

2x cases to them. Collusion + lawyers bill courts for incompetent work.

Reference Georgetown Law's pay to play analysis of Harris County Jail & Court system for indigent defendants

② Matt Horrah a lawyer for plaintiff (who is trying to fire him from case)

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(2) * ^{cont'd} Matt Horak: - but Matt Horak likely isn't getting enough revenue from paying clients he must take court-appointed cases then refuse to do the work. He does this by not doing work, telling defendant he isn't "there to help client bail out, I'm not paid to help with that." Then when I, plaintiff did that, trying to seek relief by filing motions for release due to his mother being diagnosed with cancer, the deadly conditions of the Jail (cite submitted grievances), and defendant's own debilitating & chronic disease issues, Matt Horak told him to stop filing motions. Also recent court dates incentivizes lawyers as they bill for those. Matt Horak also broke attorney-client privilege. Reference all phone calls under Jeremy James Joseph, SPN: 03060619 at Harris County Jail.

(3) * Chief Art Acevedo - HPD officer under the chief, incompetently unable to pull up ~~defendant's~~²⁹⁷ Jeremy James Joseph's Rice University alumni status cascading the series of horrible events by filing a charge for trespassing. Plaintiff also was in process of seeking relief from Rice for both self & mother cancer care. He was 8 feet away from public sidewalk.

(4) Harris County Jail officers A. Cole and Ajuma - Reference Harris County Jail videos. Both put plaintiffs ~~into~~^{into} life in jeopardy with lies about plaintiff, and cleaning procedures (incorrect, unsafe), lied on write-up of inmate (lost good time credit, housing, stability)

C. What date and approximate time did the events giving rise to your claim(s) occur?

July 13, 2020 / August 31, 2020 / July 14, 2020
September 1, 2020 / Sept 18, 29, 2020 9/24/2020 A-Cole
rijumu
false
report.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

9/24/2020 - officers A-Cole and rijumu filed a false ²²⁷ ~~pot~~ statement that caused me to stop working, lose my housing, my "trustee" status, and good time credit. I flagged concerns to inmates Brian Hatten, Cyril Rivers and officers Mitchell, Jenkins (6th floor), my tank officers (Shepherd, Simmons) and a cover (6th floor) unnamed with stars on elbows (tattoos). I was then placed in another housing unit with less privileges (cleaning supplies, food, outside access, more searches & tress).
7/13/20 - Arrest by Rice PD who possibly charged me for trespassing because I was African-American. TURN OVER.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I've fallen twice from slippery floors, my chronic GI infection doesn't abate and as a worker services to medical clinic was refused (reference inmate write-up card). Mental anguish, depression, suicidal thoughts but fear of retribution/retaliation by moving to suicidal tank. Unable to communicate with my mother as a caregiver and secure my release. unsure if any mail ever reaches its appropriate designation. Risk of COVID-19 infections and threats of assault rape and tress. Also my mother has been in out of hospital.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want compensation for pain & suffering, I want to get compassionate release and I want the full power of law to investigate all involved for violation of human rights and other criminal activity. From this blatant DOJ blatant display of violations, I suspect there is more criminal activity here. Indictments need to be issued if so and their licenses and jobs taken to prevent any further Abuses. I'm my own care.

Additional claims

officers Njumu and A. Cole - I told them they were lying, and A. Cole refused to hear my side. Video will also show that I never stopped working, which I request pulled and reviewed to confirm. I worked consistently three days from beginning to end, sometimes with no meal break. Njumu actually stopped me twice from work. He never snared what I did was incorrect, and additionally never provided onboarding or guidance on cleaning procedures. As I have chronic GI infections, I'm prone to COVID-19 and other infections and I told him I had fears of cleaning feces (in water or solid). Given Lake Jackson incident where chlorine levels were low and local infection occurred from amoeba ^{neg} naegleria fowleri and killed an infant. IF chlorine levels are too high then not drinkable water. Please all submitted ~~2022~~ requests / grievances / responses for additional details.

Matt Horak, esquire, also refuses to act as Defendant's Counsel in an ethical, responsible and effective way. Resetting court dates without notice. Breaching attorney-client privilege. Refusing to submit appropriate motions, and when plaintiff submitted his own - he wrote and told him over phone to stop filing motions without any rationale, and refused to contact an additional person who could help. Reference all written letters to and from Matt Horak including inmate recorded calls. Given multiple letters sent to Horak never were read or responded to - reference call when Horak has no knowledge of letters. Horak wholly has done this to others. I have tried to fire Horak and substitute him. I PRAY HE QUILTS! Incompetence and cruelty ARE NOT NEEDED. JUDGE UNACH appointed him, and if he has made a donation then she is complicit - especially if she refused to allow my submission. To avoid conflict, I requested Aguilar (228)'s court.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Harris County Jail / Harris County Sheriff's Office

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

Reference all grievances from Harris County Jail.

TAKEN OVER

Additional Evidence:

- Medical treatments are inferior and lack cancer screening. Given medical delayed delivery of lifesaving medication by weeks potentially decreasing patients life expectancy.
- Clinical diet did not occur until weeks after intake. Defendant requested diet immediately and promising for diet like celiac disease delayed.
- Mental Health Triage was substandard and did not provide prescribed medications defendant historically took outside jail.
- Defendant charged with possession of controlled substance but only after 3rd body search was found. First two searches by Rice PD/HPD went with nothing found and only at 3rd location within Sheriff's office jail.
- Defendant never received records or confirmation of delivery of motions etc to aid defendant to understand charges/evidence and prospects.
- Matt Heratz constantly broke client-attorney privilege by revealing case/defendant details outside. attorney-client relationship. Defendant is a layman of the Law.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

Not Applicable

- E. If you did file a grievance:

1. Where did you file the grievance?

Harris County Jail Kiosk System. I confided in officers

2. What did you claim in your grievance?

multiple grievances have been filed regarding abuses from Matt Horak, officers and Housing, Medical services and other items.

3. What was the result, if any?

None. Officers and others always said unfounded but never helped. I never got a response from Judge Mager but all filed with Marilyn Burgess District Clerk.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I wrote State Commissioner, For Jail, I wrote to appeal and get a review but damages already done and punishment delivered w/o much consideration. For Court, Mager never responded to letters. For HPO, I lost confidence in them after I was assaulted outside a gay establishment and HPO abused me in process.

Appealing decisions is difficult. Inmate handbook provides some guidance on it, but is largely dysfunctional, not objective and is held by the jail which as an ~~inmate~~ inmate. I filed a grievance regarding officers Montano and Santee and gross abuse of power that abused inmates' civil rights — but other than an interview by one officer — I saw no additional training, follow-up, reprimanding or changes in their behavior to suggest they had changed for the better.

I also submitted paper grievances, but saw no pick them up. As a floor worker, I saw multiple boxes stuffed with medical and general grievances or requests. I flagged to a triage nurse, and even weeks later boxes were still stuffed. I submitted a paper request for infirmary, but never got a follow-up as I needed a GI specialist.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: *N/A*

I filed grievances. Please reference letters and Krosh requests for Plaintiff. Grievances @ Harris County Jail submitted.

Letters State Commission on Judicial Conduct. State commission on Jail Standards.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

to Marilyn

Burgess,

Matt Horak,

Hilary

unger,

G.

State

Bar

of

Texas.

Please review

Matt Horak

donations

taxes.

VIII. Previous Lawsuits

Also my cousin Julian Joseph was on floor 6 -

and moved so I was unable to get another relief.

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

WITNESSES: COURT REPORTER, RICE UNIVERSITY POLICE Department,

INMATES Russell Cormier, Thomas Reynolds (6N2B)

(3rd 3E2/6N2B) BRIAN HATTEN, Raul Orozco, Cyril Rivers, Lee Bennett,

MIMEN,

SANCIO

SANCHEZ,

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

NOT Applicable

Kendrick Jefferson

Additional Arguments

Multiple litigs and requests to the court went unanswered, and I never knew if my trial was scheduled for pre-hearing (motions, probable cause, examining/evidentiary trial). Matt Horak would never visit or do zoom calls like other attorneys would prior to trial. In fact, I had concerns and still do on the grand jury's composition and the Judge as my motion to reduce bail lowered the bail bond—but did not help. Bail should not be used as an oppressive tool. Fair Reform Act ⁽¹⁹⁸⁴⁾. Additionally, I should be released prior to my trial. ^{This is} cruel & unusual punishment.

Even documents like the arrest warrant would be helpful as I had reached out to HPD on W. Bellfort to address outstanding issues. Reform and punishment is necessary.

Refo 4th Amendment⁺ for unreasonable seizure by HPD. Had he allowed me to just schedule a court date given COVID-19 concerns and my need to address my medical and my mother's—much conflict could have been avoided.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

unsure / mail has no confirmation here

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

~~Sharrif~~ JJJ Jeremy James Joseph
Sherriff Ed Gonzalez

2. Court (if federal court, name the district; if state court, name the county and State)

unsure

3. Docket or index number

unsure

4. Name of Judge assigned to your case

unsure

5. Approximate date of filing lawsuit

unsure

6. Is the case still pending?

☐ Yes

☐ No

unsure

If no, give the approximate date of disposition.

unsure

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

not heard anything.

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

not applicable / No.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

N/A

Defendant(s)

N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes☐ No

N/A

If no, give the approximate date of disposition

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

put to be released
prior to trial
"Innocent until proven guilty"
"bail shall not be used as
an
oppressive
tool"

U.S. Constitution, General protection clause and CIVIL RIGHTS ACT.

A. For Parties Without an Attorney

My court-appointed attorney is not
my first choice and is wholly not in
the
top
decide
of
practicing
lawyer

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: October 10, 2020

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Jeremy James Joseph

03060619

1206 Baker Street, 6N2B

Houston

TX

77002

City

State

Zip Code

B. For Attorneys

Date of signing: N/A

Not applicable

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

N/A

N/A

N/A

N/A

N/A

City

State

Zip Code

Telephone Number

E-mail Address

N/A

N/A

To: David J Bradley
Clerk of Court
PO Box 61010
Houston, TX 77208

OCT 10/2020

United States Courts
Southern District of Texas
FILED

OCT 14 2020

David J. Bradley, Clerk of Court

From: Jeremy James Joseph
SPN: 03060619
Harris County Jail

please file my Complaint for violation of civil rights (Prisoner)
submission.

I am also indigent and unable to pay for legal aid/for
filing fees.

As a possible favor, if you could ensure that my
filings for Habeas Corpus, motions, etc have been filed w/
Marilyn Burgess, clerk for Harris County, and they are
on docket to be heard that would be helpful.

Another item of support is that I'm unsure if
my court appointed attorney Matt Horak is trying
to block my filings and if he is colluding with Judge
to not them be on docket. Please help me w/ this.

This can be used as evidence also.

God Bless,

Jeremy Joseph



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HARRIS COUNTY SHERIFF'S OFFICE
Name: Jeremy Joseph
SPN: 0306069 EN2B
Street: 1200 Baker St
HOUSTON, TEXAS 77002
circumark

DAVID J BRADLEY
CLERK of COURT
P.O. BOX 61010
HOUSTON, TX 77208

